

**UNITED STATES DISTRICT COURT
ARIZONA – PHOENIX**

USA v. David Allen Harbour

Case Number: CR-19-00898-001-PHX-DLR

ORDER SETTING CONDITIONS OF RELEASE

PERSONAL RECOGNIZANCE

AMOUNT OF BOND: The property bond of \$500,000 on the Gottschalk Fountain Hills home, previously ordered, is affirmed

UNSECURED

SECURED BY: property bond as previously ordered.

SECURITY TO BE POSTED BY: Before Defendant is released from custody.

NEXT APPEARANCE: as directed through counsel

401 West Washington St., Phoenix, AZ

<input checked="" type="checkbox"/> FILED	_____ LODGED
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JAN 30 2023	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY  DEPUTY	

Pursuant to 18 U.S.C. § 3142(c)(1)(B), the Court may impose the following least restrictive condition(s) only as necessary to reasonably assure the appearance of the person as required and the safety of any other person and the community.

IT IS ORDERED that defendant is subject to the following conditions and shall:

- appear at all proceedings as required and to surrender for service of any sentence imposed.
- not commit any federal, state or local crime.
- cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- reside at the address on file with Pretrial Services, and any change of address shall require PRIOR approval by Pretrial Services, and you shall advise the Court, defense counsel and U.S. Attorney in writing in advance of any change in address or telephone number.
- not travel outside of Maricopa County unless PRIOR Court permission is granted to do so; not travel out of the United States unless PRIOR Court approval is granted to do so.
- only travel directly to the prosecuting district, and through all states and counties between the District of Arizona and the prosecuting district, for Court purposes and lawyer conferences unless PRIOR Court or Pretrial Services permission is granted to travel elsewhere; no travel out of the United States unless PRIOR Court approval is granted to do so.
- avoid all direct or indirect contact with persons who are considered alleged victim(s), potential witness(es), codefendants, and family members of victims/witnesses, and conspirators: Kenneth Bobrow, Victoria Bobrow, Steve Baker, Mark Burg, Phillip Burgess, Pam Case, Joe Cathey, Daryl Deel, Melvin Dunsworth, Steve Emmons, Rhonda Gray, Carol Hill, Pat Hill, Maya Langbein, David Lunn, Bart Shea, Patrick Spaulding, Richard Turasky, Dan Wilson, Allison Wilson. Contact exclusively through the defendant's counsel of record is permitted. The Government may seek to add or remove individuals on motion to the Court.
- report as directed to the U.S. PRETRIAL SERVICES 1-800-769-7609 or 602-322-7350; 401 W. Washington St., Suite 260, Phoenix, AZ 85003.
- not drive without a valid driver license.
- execute an agreement to forfeit the bond or designated property upon failing to appear as required, or failing to comply with conditions of release as required: Agreement and Bond per previous orders/filings still in effect.
- be released to the third-party custody of: _____ and shall reside with the third-party custodian unless

Pretrial Services approves the defendant to reside elsewhere.

- consume no alcohol in excess.
- not use or possess a narcotic drug or other controlled substance (as defined by 21 U.S.C. § 802) unless prescribed for the defendant by a licensed medical practitioner; this provision does not permit the use or possession of medicinal marijuana even with a physician's written certification. The defendant shall not possess, ingest, or otherwise use a synthetic cannabinoid or synthetic narcotic.
- surrender all travel documents to Pretrial Services within two business days of release.
- not obtain a passport or other travel documents during the pendency of these proceedings. Any travel documents previously surrendered shall remain surrendered while on pretrial release.
- not possess or attempt to acquire any firearm, destructive device, or other dangerous weapon or ammunition.
- maintain weekly personal contact with his/her attorney by Friday, noon of each week, which can be by telephone.
- not directly or indirectly solicit investors for any investment while on Pretrial Release, whether as part of employment or otherwise.
- shall not engage in employment that includes control of any financial accounts.
- not obtain or open any new financial accounts without prior notification and approval of Pretrial Services
- within fourteen days of release from pre-trial detention and every 14 days thereafter, Defendant shall report to Pretrial Services in writing (and provide documentation as requested by Pretrial Services) a list of the following for during the reporting period: all financial accounts of any kind over which Defendant has any control, all outstanding accounts (loans) to or from Defendant and/or an entity over which Defendant has any control, any money or assets received by Defendant and/or an entity over which Defendant has any control from any source whether wages, income, profits, investment proceedings, payment of outstanding obligations, or otherwise. Defendant shall seek prior approval for any transaction of \$500 or more that directly or indirectly benefits Defendant or Abby Harbour. Defendant shall also seek prior approval for any series of transactions with a single person or entity that totals \$3000 or more in 30 days. Defendant shall not execute any promissory note on behalf of himself, his spouse, or any other individual. This financial condition specifically includes transactions among family members, friends, and business associates, transactions to or from the ALB Harbour Spousal Access Lifetime Trust but excludes transactions to or from attorney Stephen Dichter and any other professional service providers employed by Mr. Dichter in defense of Defendant. This does not exclude transactions to or from all previous counsel prior to Mr. Dichter.
- fully cooperate with Pretrial Services' confirmation of Defendant's compliance with the financial and other conditions through credit reports, provision of requested documents, and/or other means.
- (home detention) be at your residence at all times except for religious services, medical, substance abuse, or mental health treatment, attorney visits; court appearances, court-ordered obligations, PTS approved employment and driving children to school and cheer practice.
- submit to the location monitoring technology (type is at the discretion of Pretrial Services), abide by all program requirements and instructions provided by Pretrial Services related to proper operation of the technology, and pay all of the cost of the program.
- and not solicit money, property, or assets of any kind from any individual or entity for any purpose, including investments, loans, or gifts, whether or not that solicitation directly or indirectly benefits Defendant or his spouse. Defendant's solicitations of his spouse, children, parents, and parents-in-law are excluded from

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this bar and Defendant shall not possess or use any telephone, land line, satellite, or cellular except he may obtain one new non-internet accessible cellular telephone. The number will be supplied to the Government, and he will be permitted to use it only to call: His wife, his mother, and his lawyers. Defendant will provide the government a copy of the monthly phone bill within 5 days of its receipt. The Defendant will advise the Court, Defense counsel, and the U.S. Attorney, in writing, in advance of any change in telephone number.

- not possess or use an unmonitored internet capable device such as an iPod, iPad, tablet, gaming systems, computer(s) or any other device capable of connecting to the internet unless preapproved by Pretrial Services.

ADVICE OF PENALTIES AND SANCTIONS

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (i.e., in addition) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

DATE: <i>1-30-23</i>	SIGNATURE OF DEFENDANT 
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Custodian agrees to (a) supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and to notify the court immediately in the event the defendant violates any condition of release or disappears. We, the undersigned, have read and understand the terms of this bond and conditions of release and acknowledge that we are bound by it until duly exonerated.

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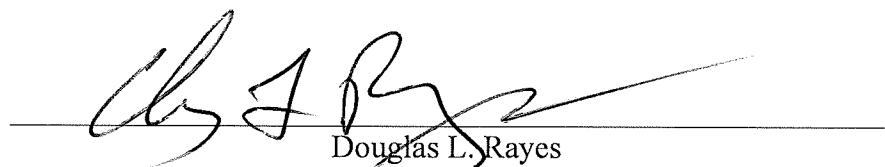
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SIGNATURE OF CUSTODIAN(S)

Directions to United States Marshal:

- The defendant is ORDERED released after processing.
- The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.
- The U.S. Marshal is directed to bring the defendant bag and baggage to the Courthouse on for release from the U.S. Marshals Service office at 8:30 a.m.**

DATE: January 30, 2023



Douglas L. Rayes
United States District Judge

USA, PTS, USM, DEFT, DEFT ATTY